

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CANDY KELLY, et al.,) 1:05-CV-00118-AWI-SMS
)
Plaintiffs,) ORDER <u>VACATING HEARING SET FOR</u>
v.) <u>MARCH 2, 2007</u> , ON PLAINTIFF'S
) MOTION FOR DEFAULT JUDGMENT AND
EVERETT R. ECHOLS, II, M.D.,) DEEMING MOTION SUBMITTED ON THE
an individual, et al.,) PAPERS (DOCS. 59, 61)
)
Defendants.)
)
)

Plaintiffs are proceeding with a civil action in this Court. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302(c)(1) and 72-303.

On December 7, 2006, Plaintiff filed a motion for default judgment, which is presently set to be heard on February March 2, 2007.

Pursuant to Rule 78-230(h) of the Local Rules of Practice for the United States District Court, Eastern District of California, the Court finds that the motion of Plaintiff for entry of a default judgment is a matter that may appropriately be submitted upon the record and briefs.

Accordingly, the hearing on the motion, presently set for March 2, 2007, IS VACATED, and the motion IS DEEMED SUBMITTED to

the Court for decision.

IT IS SO ORDERED.

Dated: February 1, 2007
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE